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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,023	07/23/2003	Larry C. Hardin	WOG 1387.0025	8216

7590 08/11/2005

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/625,023

Applicant(s)

HARDIN, LARRY C.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13 and 19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2, 4-8, 10-13, 19 is/are rejected.  
7) ☐ Claim(s) 3 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 24705-2/7/05  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

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This is an office action for serial number 10/10/625,023, in response to Amendment filed on May 2, 2005.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on February 4, 2005 was filed after the mailing date of the first office action mailed on October 12, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

The objection to the drawings have been overcome due to the applicant's remarks indicating that the invention is not collapsible.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claim 19 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for each foot having a threaded aperture/sleeve and wherein said stabilizer member is selectively adjustable through said threaded aperture, does not reasonably provide enablement for each foot having a threaded aperture for receiving a threaded sleeve. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, 8, 10, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawazoe 4,852,836. Kawazoe discloses a tripod stand having three legs (4), three casters (5), and three stabilizer members (near 4a).

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***Claim Rejections - 35 USC § 103***

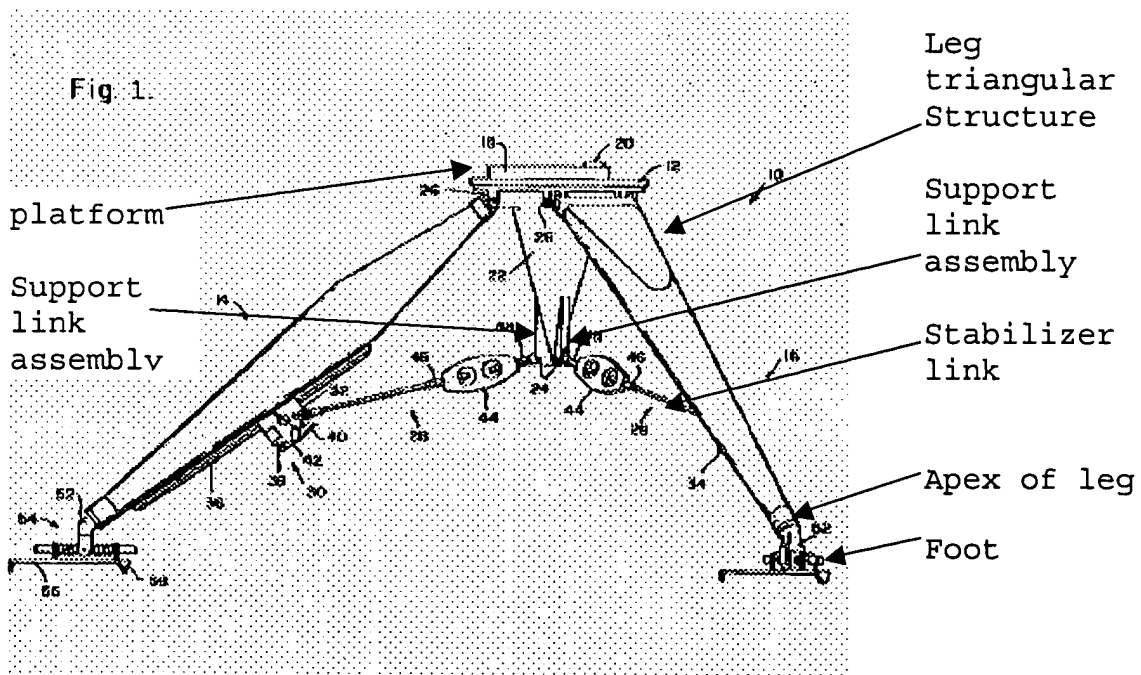
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

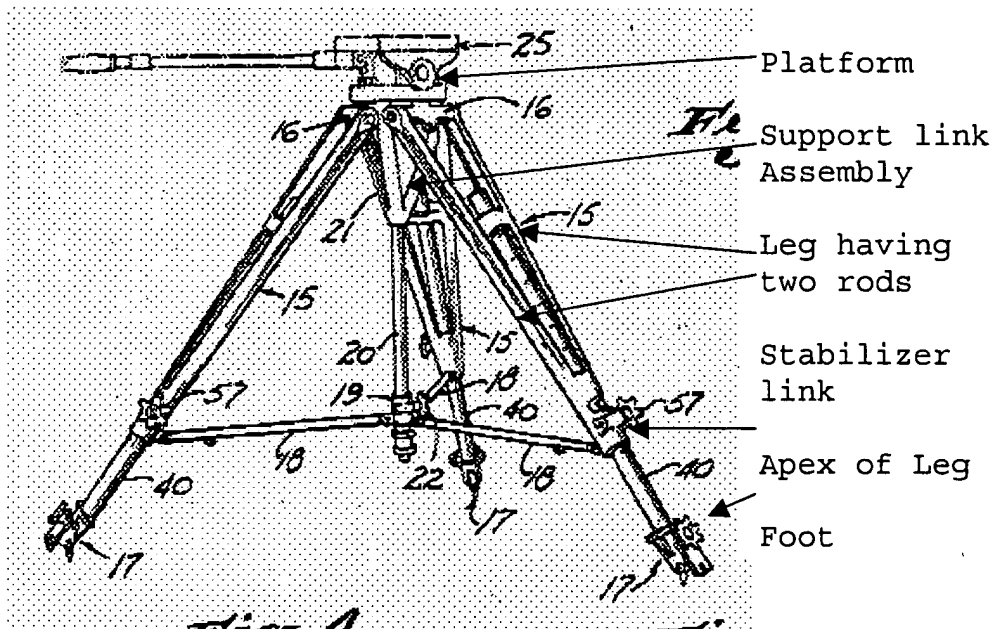
Claims 1, 2, 4-8, 10-13, and 19 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Weber 4,199,123 in view of Dalton 2,668,682 in Fontana et al. (Fontana) 4,339,842. Weber discloses a platform (18), three legs (14, and 16), three support link assemblies (near 24), three sets of stabilizer links (28), and three foot members (56). The three support link assemblies are each triangular shaped members which connect the stabilizer links to the central point below the platform therefore making each a support link assembly. Weber discloses all of the limitations of the claimed invention except for the legs being a pair of rods, three casters and stabilizer members. Dalton teaches that it is known to have a platform base (above 16), three hollow cylindrical members (16), three foot members (17), a set of stabilizer links (18). It would have been obvious to one having ordinary skill in

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the art to have modified Weber to have the legs being the pair or rods as taught by Dalton for the purpose of reducing the weight of the tripod therefore making it easier to transport. Fontana teaches that it is known to have casters (9) having a stabilizer member (16) being a threaded bolt (38) received in a threaded bore (24) of a threaded sleeve (22) of the foot extending between a pair of wheels (14 and 15) for engaging the ground. It would have been obvious to one having ordinary skill in the art to have modified Weber in view of Dalton to have included the wheel and stabilizer as taught by Fontana for the purpose of transporting the tripod to various locations and once the desired location has been reached preventing the wheels from moving therefore stabilizing the tripod.



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Claims 4-8, 10-12, and 19 are rejected, as best understood, under 35 U.C.S. 103 (a) as being unpatentable over Dalton 2,668,682 in view of Fontana 4,339,842.

#### **Allowable Subject Matter**

Claim 3 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed January 12, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to the applicant's arguments that Weber does not disclose a support link assembly the examiner hereby traverses this argument. Weber clearly teaches a support link being three support link assemblies as indicated near reference number 24 of Weber figure 1. The support link assemblies comprise three members each having a triangular shape with an apex that is located at the central point which is understood by the examiner to be the point at the end of element 22. This clearly provides the central point as claimed by the applicant in claim 1 where the three stabilizer links (28) are connected to the three support links assemblies (shown in the enclosed figure).



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In response to the applicant's arguments that Dalton does not disclose that each leg assembly comprises a pair of rods the examiner hereby traverses this argument. Dalton teaches that the leg assembly 15 is composed of two rod members (see enclosed figure 1) which are attached at opposite sides of the cylindrical members (16) of the platform base (near 25) at one end (top of leg) and at the other end (bottom of leg) form an apex to couple with the foot (40).

In response to applicant's argument that the notion of wheels are incompatible with the structures of Dalton or Weber, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The combination of the wheels to Weber or Dalton would result in the tripods being capable of being moved from one place to the other without having to collapse the tripod or to remove the tripod from the supporting surface therefore facilitating using the invention.

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**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

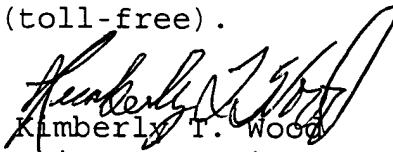
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be

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reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

July 24, 2005